

Bay Area Roundtable

Representing the following Local Enforcement Agencies:

*Alameda Contra Costa Santa Clara City of San Jose Monterey
San Mateo City of San Francisco Marin Solano Sonoma Napa*

May 31, 2006

Bobby Garcia
Permitting and Enforcement Division
California Integrated Waste Management Board
1001 I Street MS-16
Sacramento, Ca. 95812-4025

Subject: Bay Area Roundtable Response to Comments. Permit Implementation Regulations. 60-Day Comment Period.

Dear Ms Garcia:

The Bay Area Roundtable discussed the Proposed Permit Implementation Regulations (AB1497). The EAC discussed the most important and critical area of the proposed regulations, which is the attempt to define significant change using a decision tree and minor and optional minor significant change lists.

The Roundtable reached consensus on the following:

1. Fully support the Decision Tree as a process to identify whether a change in design, or new facility qualifies as an RFI amendment, Modified permit, Revised permit, or new permit. (Title 14, Section 21620(2,3,4))
2. Do not support the Minor, or Optional Minor Change list as criteria that must be met to implement a change without LEA/EA approval or review (Title 14, Section 21620(1)). Support writing a guidance document that could assist owners and operators of an applicable means of processing minor changes to the permit.
3. Maintain Local control on discretionary action as central to the permit process.
4. Do not support the requirement of postings or notices for RFI amendments. (Title 27, Section 21660)

The decision tree includes defining, via a flow chart, whether a change of operation is significant and to what permit process is appropriate for that change. The major aspect of the flowchart is it provides and maintains EA discretion on determining whether the

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change is significant or not, and maintains local control and discretionary actions in the permit process. The proposed lists of items that would be considered non-significant would be problematic in keeping the review and approval a discretionary action. The proposed items in the list may be significant or non-significant depending on the type of operation or facility, existing language in the facility supporting documentation, urban vs. rural etc. If the lists were "all-inclusive", any and all proposed non-significant change items would have to be consistent throughout the state with no question of discretion. This does not appear to be possible. Another problematic aspect to the lists is that the list can not be all-inclusive in which there will always be another item that should/could be on the list but is not.

Sincerely,



Greg Pirie, Chair
Bay Area LEA Roundtable

CC: Enforcement Advisory Council Members
CCDEH
Nancy Watt, Napa County CEO/LEA Manager